

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**AMERISTAFF, INC. d/b/a
AMERISTAFF NURSING
SERVICES (Patient D.S.),**

Case No.
Hon.

Plaintiff,

-v-

**STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,**

Defendants.

MICHAEL R. DORFMAN (P60955)
mdorfman@americaremedical.com
Attorney for Plaintiff
1938 Woodslee Dr.
Troy, MI 48083
(248) 619-3681

HEWSON & VAN HELLEMONT, P.C.
ELAINE M. SAWYER (P56494)
elaine@vanhewpc.com
JORDAN A. WIENER (P70956)
jwiener@vanhewpc.com
Attorneys for Defendant
25900 Greenfield Rd., Suite 650
Oak Park, MI 48237
(248) 968-5200

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant State Farm Mutual Automobile Insurance Company, by and through its attorneys, Hewson & Van Hellemont, P.C., hereby removes this matter, originally filed in the Wayne Circuit Court and assigned case number 22-011580-NF, to the United States District Court for the Eastern District of Michigan, Southern Division. The bases for removal are set forth below:

STATEMENT OF THE GROUNDS FOR REMOVAL

1. On or about September 29, 2022, Plaintiff commenced this action in the Wayne Circuit Court, bearing Case No. 22-011580-NF. Defendant State Farm was served with the summons and complaint on October 5, 2022. A copy of the summons and complaint, which constitutes all process and pleadings received by State Farm in this action and of which it has notice, are attached as composite **Exhibit A**.

2. This notice of removal is being filed within 30 days after receiving notice of the complaint by service or otherwise as required by 28 U.S.C. § 1446(b).

3. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint raises a federal question.

4. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1337(a).

5. This Court also has jurisdiction over Plaintiff's state law claims based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

FEDERAL QUESTION

6. Plaintiff alleges violations of the Fifth and Fourteenth Amendments to the United States Constitution. (**Ex. A**, ¶¶ 63-80.)

SUPPLEMENTAL JURISDICTION

7. This Court has supplemental jurisdiction over Plaintiff's state law claims alleging violation of the Michigan No-Fault Act, Mich. Comp. Laws § 500.3101, *et seq.*, (**Ex. A**, ¶¶ 46-57), and for a declaratory judgment, (**Ex. A**,

¶ 58-62), because they are so related to Plaintiff's federal law claims that they form part of the same case or controversy.

DIVERSITY

8. Plaintiff Ameristaff, Inc. is a Michigan corporation, (**Ex. A**, ¶ 1), with its principal place of business located in Troy, Oakland County, Michigan (2022 Annual Report, **Ex. B**).

9. State Farm Mutual Automobile Insurance Company is now, and was at the time of the filing of the complaint, a citizen of Illinois. State Farm is a corporation organized under the laws of Illinois, with its principal place of business at 1 State Farm Plaza, Bloomington, Illinois 61701. 28 U.S.C. § 1332(c)(1).

AMOUNT IN CONTROVERSY

10. The amount in controversy requirement is satisfied. Plaintiff alleges that the amount in controversy is \$90,984.76. (**Ex. A**, ¶ 21.)

THE OTHER REMOVAL PREREQUISITES HAVE BEEN SATISFIED

11. Defendant has not previously sought similar relief concerning this matter.

12. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

13. Written notice of the filing of this notice of removal will be given to the adverse parties as required by law.

14. The allegations of this notice are true and correct and this cause is within the jurisdiction of the United States District Court for Eastern District of Michigan, Southern Division.

Defendant State Farm Mutual Automobile Insurance Company files this notice of removal and removes this civil action to the United States District Court for the Eastern District of Michigan, Southern Division. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully submitted,

HEWSON & VAN HELLEMONT, P.C.

/S/ JORDAN A. WIENER

JORDAN A. WIENER (P70956)
Attorneys for Defendant
25900 Greenfield Rd., Suite 650
Oak Park, MI 48237
(248) 968-5200

Dated: November 2, 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, they are available for viewing and downloading from the Court's CM/ECF system, and that the participants in the case that are registered CM/ECF users will be served electronically by the CM/ECF system. I further certify that a copy of the foregoing

paper was emailed by agreement to:

Michael R. Dorfman
mdorfman@americaremedical.com
1938 Woodslee Dr.
Troy, MI 48083
(248) 619-3681

Respectfully submitted,

HEWSON & VAN HELLEMONT, P.C.

/S/ JORDAN A. WIENER

JORDAN A. WIENER (P70956)
Attorneys for State Farm
25900 Greenfield Rd., Suite 650
Oak Park, MI 48237
(248) 968-5200

Dated: November 2, 2022